IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No 6905 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE R.P.DHOLAKIA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

MOHANLAL SHAMJI SONI

Versus

ASSISTANT COLLECTOR OF CUSTOMS

Appearance:

1. Criminal Misc.Application No. 6905 of 2000

MR BB NAIK for Petitioner No. 1

MS MANISHA LAVKUMAR for Respondent No. 1

MR PR ABICHANDANI, APP for Respondent No. 2

CORAM : MR.JUSTICE R.P.DHOLAKIA

Date of decision: 21/01/2003

ORAL JUDGEMENT

Heard Mr.B.B.Naik, learned counsel for the

petitioner, Ms.Manisha Lavkumar, learned Addl. Central Govt. Standing Counsel for the respondent No.1 and Mr.P.R.Abichandani, learnead Addl. Public Prosecutor for the respondent No.2.

2. At the end of arguments, with the consent of the parties, orders dated 10-12-1999 and 23-12-1999 passed by the court below in Criminal Case No.930 of 1973 pending in the Court of learned Judicial Magistrate (First Class), Anjar are ordered to be quashed and set aside. Learned counsel for the Customs Department, Ms.Manisha Lavkumar has made a statement at the bar that out of four witnesses, Mr.N.S.Daulatani has expired, Mr.D.P.Malek has been cross-examined by the other side on 22-2-2000 and therefore, the cross-examination of only two witnesses namely, Mr.H.A.Pandya and Mr.N.T.Kachoria remains and hence, she has assured before this Court that the prosecution will see to it that these two persons remain present in the court on due date and offer themselves to be cross-examined by the accused. Learned counsel for the original accused, Mr.B.B.Naik, has also assured that his counterpart before the court below will extend full co-operation in seeing that cross-examination of the aforereferred remaining witnesses will be completed as expeditiously as possible.

3. With the aforesaid observation, this petition stands disposed of. Rule is made absolute to the aforesaid extent. Parties are at liberty to approach in case of difficulty.

4. Looking to the facts and circumstances of the case, Criminal Case is ordered to be expedited.

(R.P.DHOLAKIA,J.)
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